

UNITED STATES DISTRICT COURT
District of MassachusettsUNITED STATES OF AMERICA
v.

ANTHONY BELMONTE

AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: 1: 03 CR 10220 - 002 - MEL

USM Number: 24785-038

James H. Budreau, Esq.

Defendant's Attorney



Additional documents attached

Date of Original/Amended Judgment: 8/7/07

 AMENDED TO ADD JUDGE LASKER'S RECOMMENDATION TO THE BUREAU OF PRISONS***THE DEFENDANT:** pleaded guilty to count(s) 1,3 pleaded nolo contendere to count(s) _____ which was accepted by the court. was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Additional Counts - See continuation page

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 USC § 846	Conspiracy to Possess with Intent to Distribute Marijuana	06/04/03	1
21 USC § 841(a)(1)	Possession with Intent to Distribute Marijuana	06/04/03	3

The defendant is sentenced as provided in pages 2 through 9 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

 The defendant has been found not guilty on count(s) _____ Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

07/31/07

Date of Imposition of Judgment

Signature of Judge

The Honorable Morris E. Lasker
Senior Judge, U.S. District Court

Name and Title of Judge

Date

DEFENDANT: **ANTHONY BELMONTE**
CASE NUMBER: **1: 03 CR 10220 - 002 - MEL**

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

a year and a day.

The court makes the following recommendations to the Bureau of Prisons:

That the defendant be permitted to serve his sentence at the Lewisburg, PA prison camp facility or another similar facility within 500 miles of defendant's residence in New York City.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on 11/30/07.

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: **ANTHONY BELMONTE**CASE NUMBER: **1: 04 CR 10119 - 002 - MEL****SUPERVISED RELEASE** See continuation pageUpon release from imprisonment, the defendant shall be on supervised release for a term of: **36** month(s)

This term consists of terms of 36 months in each count, all such terms to run concurrently.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed 104 tests per year, as directed by the probation officer.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: **ANTHONY BELMONTE**CASE NUMBER: **1: 04 CR 10119 - 002 - MEL****CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

<u>TOTALS</u>	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
\$	\$200.00	\$	\$

The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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See Continuation
Page

<u>TOTALS</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
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Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: **ANTHONY BELMONTE**CASE NUMBER: **1: 03 CR 10220 - 002 - MEL****SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

A Lump sum payment of \$ \$200.00 due immediately, balance due

not later than _____, or
 in accordance C, D, E, or F below; or

B Payment to begin immediately (may be combined with C, D, or F below); orC Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; orD Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; orE Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; orF Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

 Joint and Several See Continuation Page

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

 The defendant shall pay the cost of prosecution. The defendant shall pay the following court cost(s): The defendant shall forfeit the defendant's interest in the following property to the United States:

The defendant owes to the United States the amount of \$100,000.00 of which \$25,000.00 has already been paid. This leaves a balance of \$75,000.00 to be paid. The Final Order of Forfeiture and Money Judgment is attached to the Judgment.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

DEFENDANT: **ANTHONY BELMONTE**
 CASE NUMBER: **1: 04 CR 10119 - 002 - MEL**
 DISTRICT: **MASSACHUSETTS**

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STATEMENT OF REASONS

I COURT FINDINGS ON PRESENTENCE INVESTIGATION REPORT

A The court adopts the presentence investigation report without change.

B The court adopts the presentence investigation report with the following changes.

(Check all that apply and specify court determination, findings, or comments, referencing paragraph numbers in the presentence report, if applicable.)
 (Use Section VIII if necessary.)

1 Chapter Two of the U.S.S.G. Manual determinations by court (including changes to base offense level, or specific offense characteristics):

2 Chapter Three of the U.S.S.G. Manual determinations by court (including changes to victim-related adjustments, role in the offense, obstruction of justice, multiple counts, or acceptance of responsibility):

3 Chapter Four of the U.S.S.G. Manual determinations by court (including changes to criminal history category or scores, career offender, or criminal livelihood determinations):

4 Additional Comments or Findings (including comments or factual findings concerning certain information in the presentence report that the Federal Bureau of Prisons may rely on when it makes inmate classification, designation, or programming decisions):

C The record establishes no need for a presentence investigation report pursuant to Fed.R.Crim.P. 32.

II COURT FINDING ON MANDATORY MINIMUM SENTENCE (Check all that apply.)

A No count of conviction carries a mandatory minimum sentence.

B Mandatory minimum sentence imposed.

C One or more counts of conviction alleged in the indictment carry a mandatory minimum term of imprisonment, but the sentence imposed is below a mandatory minimum term because the court has determined that the mandatory minimum does not apply based on

- findings of fact in this case
- substantial assistance (18 U.S.C. § 3553(e))
- the statutory safety valve (18 U.S.C. § 3553(f))

III COURT DETERMINATION OF ADVISORY GUIDELINE RANGE (BEFORE DEPARTURES):

Total Offense Level: **21**

Criminal History Category: **I**

Imprisonment Range: **37** to **46** months

Supervised Release Range: **3** to **5** years

Fine Range: **\$ 7,500** to **\$ 2,000,000**

Fine waived or below the guideline range because of inability to pay.

DEFENDANT: **ANTHONY BELMONTE**
 CASE NUMBER: **1: 04 CR 10119 - 002 - MEL**
 DISTRICT: **MASSACHUSETTS**

STATEMENT OF REASONS

IV ADVISORY GUIDELINE SENTENCING DETERMINATION (Check only one.)

- A The sentence is within an advisory guideline range that is not greater than 24 months, and the court finds no reason to depart.
- B The sentence is within an advisory guideline range that is greater than 24 months, and the specific sentence is imposed for these reasons. (Use Section VIII if necessary.)
- C The court departs from the advisory guideline range for reasons authorized by the sentencing guidelines manual. (Also complete Section V.)
- D The court imposed a sentence outside the advisory sentencing guideline system. (Also complete Section VI.)

V DEPARTURES AUTHORIZED BY THE ADVISORY SENTENCING GUIDELINES (If applicable.)

A The sentence imposed departs (Check only one.):

- below the advisory guideline range
- above the advisory guideline range

B Departure based on (Check all that apply.):

- 1 Plea Agreement (Check all that apply and check reason(s) below.):
 - 5K1.1 plea agreement based on the defendant's substantial assistance
 - 5K3.1 plea agreement based on Early Disposition or "Fast-track" Program
 - binding plea agreement for departure accepted by the court
 - plea agreement for departure, which the court finds to be reasonable
 - plea agreement that states that the government will not oppose a defense departure motion.

- 2 Motion Not Addressed in a Plea Agreement (Check all that apply and check reason(s) below.):
 - 5K1.1 government motion based on the defendant's substantial assistance
 - 5K3.1 government motion based on Early Disposition or "Fast-track" program
 - government motion for departure
 - defense motion for departure to which the government did not object
 - defense motion for departure to which the government objected

- 3 Other

- Other than a plea agreement or motion by the parties for departure (Check reason(s) below.):

C Reason(s) for Departure (Check all that apply other than 5K1.1 or 5K3.1.)

- | | | |
|---|--|---|
| <input type="checkbox"/> 4A1.3 Criminal History Inadequacy | <input type="checkbox"/> 5K2.1 Death | <input type="checkbox"/> 5K2.11 Lesser Harm |
| <input type="checkbox"/> SH1.1 Age | <input type="checkbox"/> 5K2.2 Physical Injury | <input type="checkbox"/> 5K2.12 Coercion and Duress |
| <input type="checkbox"/> SH1.2 Education and Vocational Skills | <input type="checkbox"/> 5K2.3 Extreme Psychological Injury | <input type="checkbox"/> 5K2.13 Diminished Capacity |
| <input type="checkbox"/> SH1.3 Mental and Emotional Condition | <input type="checkbox"/> 5K2.4 Abduction or Unlawful Restraint | <input type="checkbox"/> 5K2.14 Public Welfare |
| <input type="checkbox"/> SH1.4 Physical Condition | <input type="checkbox"/> 5K2.5 Property Damage or Loss | <input type="checkbox"/> 5K2.16 Voluntary Disclosure of Offense |
| <input type="checkbox"/> SH1.5 Employment Record | <input type="checkbox"/> 5K2.6 Weapon or Dangerous Weapon | <input type="checkbox"/> 5K2.17 High-Capacity, Semiautomatic Weapon |
| <input type="checkbox"/> SH1.6 Family Ties and Responsibilities | <input type="checkbox"/> 5K2.7 Disruption of Government Function | <input type="checkbox"/> 5K2.18 Violent Street Gang |
| <input type="checkbox"/> SH1.11 Military Record, Charitable Service, Good Works | <input type="checkbox"/> 5K2.8 Extreme Conduct | <input type="checkbox"/> 5K2.20 Aberrant Behavior |
| <input type="checkbox"/> SK2.0 Aggravating or Mitigating Circumstances | <input type="checkbox"/> 5K2.9 Criminal Purpose | <input type="checkbox"/> 5K2.21 Dismissed and Uncharged Conduct |
| | <input type="checkbox"/> 5K2.10 Victim's Conduct | <input type="checkbox"/> 5K2.22 Age or Health of Sex Offenders |
| | | <input type="checkbox"/> 5K2.23 Discharged Terms of Imprisonment |
| | | <input type="checkbox"/> Other guideline basis (e.g., 2B1.1 commentary) |

D Explain the facts justifying the departure. (Use Section VIII if necessary.)

Substantial Assistance

DEFENDANT: **ANTHONY BELMONTE**

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CASE NUMBER: **1: 04 CR 10119 - 002 - MEL**DISTRICT: **MASSACHUSETTS****STATEMENT OF REASONS****VI COURT DETERMINATION FOR SENTENCE OUTSIDE THE ADVISORY GUIDELINE SYSTEM**

(Check all that apply.)

A The sentence imposed is (Check only one.):

- below the advisory guideline range
 above the advisory guideline range

B Sentence imposed pursuant to (Check all that apply.):**1 Plea Agreement (Check all that apply and check reason(s) below.):**

- binding plea agreement for a sentence outside the advisory guideline system accepted by the court
 plea agreement for a sentence outside the advisory guideline system, which the court finds to be reasonable
 plea agreement that states that the government will not oppose a defense motion to the court to sentence outside the advisory guideline system

2 Motion Not Addressed in a Plea Agreement (Check all that apply and check reason(s) below.):

- government motion for a sentence outside of the advisory guideline system
 defense motion for a sentence outside of the advisory guideline system to which the government did not object
 defense motion for a sentence outside of the advisory guideline system to which the government objected

3 Other

- Other than a plea agreement or motion by the parties for a sentence outside of the advisory guideline system (Check reason(s) below.):

C Reason(s) for Sentence Outside the Advisory Guideline System (Check all that apply.)

- the nature and circumstances of the offense and the history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1)
 to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense (18 U.S.C. § 3553(a)(2)(A))
 to afford adequate deterrence to criminal conduct (18 U.S.C. § 3553(a)(2)(B))
 to protect the public from further crimes of the defendant (18 U.S.C. § 3553(a)(2)(C))
 to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner (18 U.S.C. § 3553(a)(2)(D))
 to avoid unwarranted sentencing disparities among defendants (18 U.S.C. § 3553(a)(6))
 to provide restitution to any victims of the offense (18 U.S.C. § 3553(a)(7))

D Explain the facts justifying a sentence outside the advisory guideline system. (Use Section VIII if necessary.)

DEFENDANT: **ANTHONY BELMONTE**
CASE NUMBER: **1: 04 CR 10119 - 002 - MEL**
DISTRICT: **MASSACHUSETTS**

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STATEMENT OF REASONS**VII COURT DETERMINATIONS OF RESTITUTION**

- A Restitution Not Applicable.
- B Total Amount of Restitution: _____
- C Restitution not ordered (Check only one):
- 1 For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because the number of identifiable victims is so large as to make restitution impracticable under 18 U.S.C. § 3663A(c)(3)(A).
 - 2 For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because determining complex issues of fact and relating them to the cause or amount of the victims' losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim would be outweighed by the burden on the sentencing process under 18 U.S.C. § 3663A(e)(3)(B).
 - 3 For other offenses for which restitution is authorized under 18 U.S.C. § 3663 and/or required by the sentencing guidelines, restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweigh the need to provide restitution to any victims under 18 U.S.C. § 3663(a)(1)(B)(ii).
 - 4 Restitution is not ordered for other reasons. (Explain.)
- D Partial restitution is ordered for these reasons (18 U.S.C. § 3553(c)): _____

VIII ADDITIONAL FACTS JUSTIFYING THE SENTENCE IN THIS CASE (If applicable.)

Sections I, II, III, IV, and VII of the Statement of Reasons form must be completed in all felony cases.

Defendant's Soc. Sec. No.: 000-00-5559Date of Imposition of Judgment
07/31/07Defendant's Date of Birth: 00/00/61Morris E. LaskerDefendant's Residence Address: 120 West 21st Street, Apt 613
New York, NY 10011Signature of Judge
The Honorable Morris E. Lasker Senior Judge, U.S. District CourtDefendant's Mailing Address: same

Name and Title of Judge

Date Signed

11/20/07

1 THE COURT: Mr. Belmonte, I don't want to drag
2 this out too long and create any suspense. Of course,
3 there's no need for me to meet what the guidelines would
4 be, everybody's in agreement that they would come up
5 with a proposed range of 37 to 46 months and the
6 government itself has recommended that I disregard the
7 guidelines and, as you heard, go down to 24 months.
8 I've given a lot of thought to this case. I've been on
9 it for four years. I know where you fit in. I know
10 what you've done. I know what you're guilty of and what
11 you have atoned for and I believe that I'm doing justice
12 by imposing the following sentence.

13 Pursuant to the Sentencing Reform Act of 1984 and
14 having considered the sentencing factors enumerated in
15 18 U.S.C. and 3553(a), it's the judgment of the Court
16 that the defendant, Anthony Belmonte, is hereby
17 committed to the custody of the Bureau of Prisons to be
18 in prison for a term of 1 year and a day. This term
19 consists of terms of 1 year and a day on each count to
20 be served concurrently. And, by the way, because it's a
21 year and a day, you will receive credit of a couple of
22 months and so you will have less than a year.

23 I see that your mother is upset. I hope that's
24 she's upset because this is lower than what she
25 expected, rather than higher than what she expected.

1 But I believe, in my conscience, that it's justified.

2 Upon release from imprisonment, the defendant
3 shall be placed on supervised release for a term of 3
4 years. This term consists of 3 years on each count.
5 All such terms are to run concurrently. Within 72 hours
6 of release from custody from the Bureau of Prisons, the
7 defendant shall report in person to the district in
8 which he is released. I'm sorry I have to read all of
9 this, but I do.

10 While on supervised release, you shall comply with
11 the following conditions. You shall not commit another
12 offense. You shall refrain from any unlawful use of a
13 controlled substance and submit to one drug test within
14 15 days of release and at least two periodic drug tests
15 thereafter, not to exceed 104 tests per year, as
16 directed by the Probation Department. You shall submit
17 to the collection of a DNA sample. You shall comply
18 with standard conditions adopted by the Court. And you
19 are prohibited from possessing a firearm, destructive
20 device or other dangerous weapon. Finally, you are
21 assessed the sum of 200 dollars, which is payable
22 immediately.

23 Now, Mr. Belmonte, I'm unnerved as you may be,
24 too, by your mother's sorrow. I hope that she realizes
25 that this is a pretty limited sentence and I hope that

1 you realize it's a pretty limited sentence. I'm
2 perfectly willing and I assume Mr. Levitt is, too, to
3 allow you to surrender without anything further and the
4 arrangements can be made for that. And a year from
5 today you'll be -- a year from the time that you start
6 you'll be a free man and I hope that your life will
7 prosper in the future.

8 MR. LEVITT: Thank you, your Honor.

9 THE COURT: That's all.

10 PROBATION OFFICER: I think you need to say a
11 specific self-report date.

12 THE CLERK: Excuse me for one second. I have
13 to give them a date to report, your Honor.

14 THE COURT: Do you want to specify a date?

15 PROBATION OFFICER: I believe you have to,
16 your Honor.

17 THE CLERK: I was going to set it down for
18 August 31st.

19 THE COURT: Okay.

20 MR. LEVITT: George, the right to appeal?

21 THE CLERK: Judge, he has a right to appeal.

22 THE COURT: Does he?

23 MR. LEVITT: Yes.

24 MR. BUDREAU: He has a right to appeal, your
25 Honor, but I can assure you that there'll be no appeal

1 in this case.

2 THE COURT: But the defendant is aware that he
3 may have a right to appeal and if he does wish to do so,
4 he should inform his attorney so that the notice of this
5 appeal can be properly filed within the right time
6 frame.

7 MR. BUDREAU: Thank you, your Honor.

8 (Ends, 3:55 p.m.)

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
 v.) CRIMINAL NO. 03-10220-MEL
)
ANTHONY BELMONTE,)
 Defendant.)

MONEY JUDGMENT

LASKER, D.J.,

WHEREAS, on July 1, 2003, a federal grand jury sitting in the District of Massachusetts returned an Indictment charging Defendant Anthony Belmonte (the "Defendant") with Conspiracy to Possess With Intent to Distribute Marijuana, in violation of 21 U.S.C. § 846 (Count One), and Possession With Intent to Distribute Marijuana, in violation of 21 U.S.C. § 841 (Count Three);

WHEREAS, the Indictment also included a Forfeiture Allegation, which sought forfeiture pursuant to 21 U.S.C. § 853 of any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations;

WHEREAS, the forfeiture allegation of the Indictment further stated that if any of the above-described forfeitable property, as a result of any act or omission by the Defendant, (a) cannot be located upon the exercise of due diligence; (b) has been

DOCKETED

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transferred to, sold to, or deposited with a third person; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be subdivided without difficulty, the United States is entitled to seek forfeiture of any other property of the Defendant, up to the value of the above forfeitable property, pursuant to 21 U.S.C. § 853(p);

WHEREAS, on March 10, 2005, the Defendant plead guilty to Counts One and Three of the Indictment, pursuant to a written plea agreement that he signed on February 26, 2005;

WHEREAS, the Defendant agreed in the plea agreement to forfeit any and all assets subject to forfeiture pursuant to 21 U.S.C. § 853 as a result of his guilty plea;

WHEREAS, the parties have stipulated that the amount of \$100,000.00 in United States currency represents the amount of property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of the violations to which he plead guilty;

WHEREAS, because of acts or omissions of the Defendant, the \$100,000.00 in United States currency is no longer available for forfeiture for one or more of the reasons set forth in 21 U.S.C. § 853(p), and as a result, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(p), the United States is entitled to an order forfeiting other property

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of the Defendant as a substitute for the unavailable property;
WHEREAS, on July 31, 2007, the Defendant delivered to the United States Attorney's Office a bank check in the amount of \$25,000.00 in United States currency (the "Currency"), in partial satisfaction of his forfeiture obligation to the United States;

WHEREAS, the United States has not, as of this date, identified any other specific assets of the Defendant;

WHEREAS, the Defendant consents to the entry of a personal money judgment against him, in the amount of the outstanding \$75,000.00 forfeiture obligation;

WHEREAS, the Defendant further agrees that, in the event the Money Judgment is not satisfied in full on or before July 31, 2010, the United States is entitled to seek forfeiture of the real property located at 24 Harrison Avenue, Saugus, Massachusetts, up to the outstanding balance of the Money Judgment; and

WHEREAS, Rule 32.2(c)(1) of the Federal Rules of Criminal Procedure provides that "no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment."

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, and DECREED:

1. The Defendant shall forfeit to the United States the sum of \$75,000.00 in United States currency, pursuant to 21 U.S.C. § 853.

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2. This Court shall retain jurisdiction in the case for the purpose of enforcing this Money Judgment.

3. In the event the Money Judgment is not satisfied in full on or before July 31, 2010, the United States is entitled to seek forfeiture of the real property located at 24 Harrison Avenue, Saugus, Massachusetts, up to the outstanding balance of the Money Judgment.

4. The United States may, at any time, move pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure to amend this Money Judgment to substitute property having a value not to exceed the amounts set forth in Paragraph 1 to satisfy the money judgment in whole or in part.

DONE AND ORDERED in Boston, Massachusetts, this 1ST day of August, 2007.

Dated: Aug 1, 2007

Morris Lasker

MORRIS E. LASKER
Senior United States District Judge

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
v.) CRIMINAL NO. 03-10220-MEL
ANTHONY BELMONTE,)
Defendant.)

FINAL ORDER OF FORFEITURE

LASKER, D.J.,

WHEREAS, on July 1, 2003, a federal grand jury sitting in the District of Massachusetts returned an Indictment charging Defendant Anthony Belmonte (the "Defendant") with Conspiracy to Possess With Intent to Distribute Marijuana, in violation of 21 U.S.C. § 846 (Count One), and Possession With Intent to Distribute Marijuana, in violation of 21 U.S.C. § 841 (Count Three);

WHEREAS, the Indictment also included a Forfeiture Allegation, which sought forfeiture pursuant to 21 U.S.C. § 853 of any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations;

WHEREAS, the forfeiture allegation of the Indictment further stated that if any of the above-described forfeitable property, as a result of any act or omission by the Defendant, (a) cannot be located upon the exercise of due diligence; (b) has been

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transferred to, sold to, or deposited with a third person; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be subdivided without difficulty, the United States is entitled to seek forfeiture of any other property of the Defendant, up to the value of the above forfeitable property, pursuant to 21 U.S.C. § 853(p);

WHEREAS, on March 10, 2005, the Defendant plead guilty to Counts One and Three of the Indictment, pursuant to a written plea agreement that he signed on February 26, 2005;

WHEREAS, the Defendant agreed in the plea agreement to forfeit any and all assets subject to forfeiture pursuant to 21 U.S.C. § 853 as a result of his guilty plea;

WHEREAS, the parties have stipulated that the amount of \$100,000.00 in United States currency represents the amount of property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of the violations to which he plead guilty;

WHEREAS, because of acts or omissions of the Defendant, the \$100,000.00 in United States currency is no longer available for forfeiture for one or more of the reasons set forth in 21 U.S.C. § 853(p), and as a result, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(p), the United States is entitled to an order forfeiting other property

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of the Defendant as a substitute for the unavailable property;

WHEREAS, on July 31, 2007, the Defendant delivered to the United States Attorney's Office a bank check in the amount of \$25,000.00 in United States currency (the "Currency"), in partial satisfaction of his forfeiture obligation to the United States;

WHEREAS, by virtue of the Defendant's guilty plea and based on his written plea agreement and his stipulations, the United States now is entitled to forfeit the Currency;

WHEREAS, the United States has moved for entry of a Final Order of Forfeiture against the Currency, pursuant to Rule 32.2(b)(1) of the Federal Rules of Criminal Procedure; and

WHEREAS, pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the Final Order of Forfeiture must be included in the sentence pronounced and imposed by the Court at the sentencing hearing, and must be included in the criminal judgment entered by the Court against the Defendant.

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, AND DECREED that:

1. The United States' Motion for a Final Order of Forfeiture is allowed.

2. The Defendant shall forfeit the Currency to the United States.

3. The United States Marshals Service shall take custody of the Currency, and shall dispose of it according to law and this

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Order.

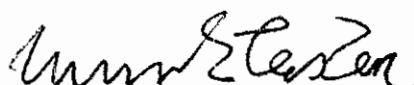
4. The Court finds, pursuant to Rule 32.2(b)(1) of the Federal Rules of Criminal Procedure, and based upon the Defendant's guilty plea and his admissions in the written plea agreement, that the United States has established the requisite nexus between the Currency to be forfeited and the offenses to which the Defendant pled guilty.

5. Accordingly, all of the Defendant's interests in the Currency are hereby forfeited to the United States of America for disposition, pursuant to the provisions of 21 U.S.C. § 853.

6. Pursuant to Rule 32.2(b)(3), this Order shall be included in the sentence pronounced and imposed by the Court at the sentencing hearing, and in the criminal judgment entered by this Court, against the Defendant.

DONE AND ORDERED in Boston, Massachusetts, this 1st day of August, 2007.

Dated:



MORRIS E. LASKER
Senior United States District Judge